

structed to forbid any person from interfering with the desks or papers of the Senators while the Senate was not in session.

On motion of Senator Gaines, the Senate at 12:50 P. M. adjourned to 10½ A. M. Monday.

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, Nov. 6, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Broughton, Fountain, Pyle and Saylor.

Absent, excused—Senator Hertzberg and President Campbell.

Prayer by the Chaplain.

Journal of Saturday read and adopted.

Messages from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence the following House bills: House bill No. 739, "An act to amend an act entitled 'an act to incorporate the Bank of Texas,' approved March 22, 1871;" House bill No. 745, "An act to incorporate the Excelsior College;" House bill No. 748, "An act to incorporate the North Texas Collegiate Institute, at Bonham;" House bill No. 791, "An act amendatory to an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" House bill No. 798, "An act to incorporate the Victoria Society of Washington county;" House bill No. 820, "An act to incorporate the Huntsville Union Benevolent Association;" House bill No. 833, "An act to incorporate the Round Mountain Educational Company of Blanco county;" House bill No. 842, "An act to incorporate the Calvert Hebrew Benevolent Association of Calvert, Texas;" House bill No. 843, "An act to incorporate the Gem Fire Company No. 2 of the city of Jefferson, Texas;" House bill No. 868, "An act to incorporate the Odd Fellows' Hall Association of Bryan, Texas."

And, returning the following Senate bills, with information that the House had passed the same with amendments, to-wit: Senate bill No. 439, "An act to exempt certain persons from serving on juries;" Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company."

And, had passed without amendments Senate bills as follows: Senate bill No. 212, "An act to incorporate the G. M. Johnson Lodge No. 97, I. O. O. F., at Starrville, Texas;"

Senate bill No. 361, "An act to incorporate the Bryan Horticultural Society;" Senate bill No. 473, "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Education:

COMMITTEE ROOM, {
Austin, Nov. 4, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.* :

SIR: Your Committee on Education, to whom was referred House bill No. 730, have had the same under careful consideration, and a majority thereof instruct me to report it back to the Senate with the following amendments and recommend that it do pass:

Respectfully,

E. PETTIT, Chairman.

Amend caption so as to read as follows, viz: "An act to amend the act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

Amend section one by striking out the words "existing laws," in second line, and insert in lieu thereof the words "the fifth section of the act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

Report read.

On motion of Senator Pettit, the rules were suspended to consider the report and bill. Bill read second time.

On motion of Senator Ruby, the bill was recommitted to the Committee on Education.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, {
Austin, Nov. 6, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate *pro tem.* :

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills: Senate bill No. 530, "An act to authorize the lifting or floating of valid land certificates, in certain cases;" Senate bill No. 544, "An act to authorize David L. Cross to construct and keep a dam across the Colorado river for milling or manufacturing purposes;" Senate

bill No. 546, "An act to incorporate the Red River Bridge Company."

G. T. RUBY, Chairman.

Report read and received.

Report of the Committee on Enrolled Bills:

COMMITTEE ROOM, }
Austin, Nov. 4, 1871 }

Hon. WEBSTER FLANAGAN,

President of the Senate *pro tem.*:

SIR: Your Committee on Enrolled Bills have examined and compared the following Senate bills, to-wit: No. 475, entitled "An act to amend third section of an act to incorporate the Carthage Branch Railway Company;" No. 374, entitled "An act to amend the Penal Code of the State of Texas;" No. 492, entitled "An act to amend 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 15, 1870;" No. 396, entitled "An act confirming the powers granted to the municipal authorities of the incorporated cities and towns of the State;" No. 525, entitled "An act supplemental to an act entitled an act to amend an act entitled 'an act to incorporate the Bank of Cleburne,' approved September 30, 1871," and Senate joint resolution No. 36, "Instructing and requesting our Congressional delegation to urge upon Congress the reimbursement to cotton raisers of the cotton tax imposed upon products of the soil by acts of Congress in 1864, 1866 and 1867," and the same having been properly perfected by the signatures of the proper officers of each house, I to-day at 1 o'clock P. M., presented them to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

BILLS AND RESOLUTIONS.

By Senator Tendick, a bill (Senate bill No. 553) to be entitled "An act for the relief of the heirs of N. A. Bonzano, deceased." Read first time and referred to Committee on Private Land Claims.

By Senator Bell, a bill (Senate Bill No. 554) to be entitled "An act amendatory of and supplementary to an act entitled 'an act to encourage the speedy construction of a Railway through the State of Texas to the Pacific Ocean,' passed on the day of May, 1871." Read first time.

Senator Douglas moved to reject the bill.

Senator Douglas moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Fountain and Latimer.

Senator Saylor moved that Senator Fountain be excused.

On motion of Senator Douglas the call was suspended.

11:30 O'CLOCK A. M.

The hour had arrived for the consideration of the special order, substitute House bill No. 747 "An act authorizing a loan to meet deficiencies in the revenue of the State."

Senator Saylor moved to postpone the special order for five minutes.

Senator Douglas moved a call of the Senate. Call sustained. Absent, unexcused—Senator Fountain.

On motion of Senator Bowers the call was suspended.

SPECIAL ORDER—Resumed.

Senator Mills moved to postpone the bill until 11:30 A. M. Saturday next.

Yeas and nays called for and the special order postponed by the following vote :

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Mills, Pickett, Pridgen, Rawson, Shannon, Swift, Tendick—16.

Nays—Baker, Bell, Flanagan, Ford, Gaines, Hillebrand, Parsons, Pettit, Pyle, Ruby, Saylor—11.

Senator Ruby moved that Senator Fountain be excused from attendance.

Senator Douglas moved a call of the Senate.

Senator Ruby made the point of order, that a call of the Senate upon a motion to excuse the only absent Senator was out of order.

The Chair ruled the point of order well taken and the motion for a call out of order.

The question recurring upon the motion to reject the bill, Senate bill No. 554, Senator Douglas moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Fountain.

Senator Saylor moved that Senator Fountain be excused.

Yeas and nays called for and the motion carried by the following vote :

Yeas—Baker, Bell, Cole, Flanagan, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—18.

Nays—Bowers, Broughton, Dillard, Dohoney, Douglas, Evans, Latimer, Pettit, Pickett—9.

The question again recurring upon the motion to reject Senate bill No. 554, Senator Pickett moved to make said motion the special order for November 11, at 11 o'clock A. M.

Yeas and nays called for, and motion lost by the following vote
Yeas—Bowers, Dillard, Douglas, Pettit, Pickett, Swift, Tendick

—7.

Nays—Baker, Bell, Broughton, Cole, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Hillebrand, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

The question being upon the motion to reject, the yeas and nays were called for and the Senate refused to reject the bill by the following vote:

Yeas—Bowers, Dillard, Douglas, Hillebrand, Pettit, Pickett—6.

Nays—Baker, Bell, Broughton, Cole, Dohoney, Evans, Flanagan, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—21.

Senate bill No. 554 was then referred to the Committee on Internal Improvements.

By Senator Rawson: a bill (Senate bill No. 555) to be entitled "An act amendatory of the second section of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,'" approved August 13, 1870. Read first time and referred to the Committee on Judiciary.

By Senator Bell, a resolution as follows:

Resolved, That the Judiciary Committee be and they are hereby instructed to prepare and report to the Senate, as soon as practicable, a bill redistricting the State into judicial districts, and reducing the number of districts to twenty.

Adopted.

By Senator Dohoney, a resolution as follows:

Resolved, That the Chairman of the Committee on Contingent Expenses be required to report to the Senate a list of the claims presented to him for allowance by witnesses summoned before the Select Committee of the Senate, authorized to investigate the charges preferred against Superintendent De Gress, by Supervisor Waldron; and that said list show the names of the witnesses and the respective amounts allowed to each party.

Adopted.

UNFINISHED BUSINESS.

The following resolution introduced yesterday by Senator Douglas:

Resolved, That rule No. 57 of the standing rules of the Senate shall be amended, and shall hereafter read as follows:

"Rule 57. A majority of the Senate may by resolution require

any committee to report upon a bill after such committee shall have had such bill in its possession for a period of ten days; and all reports, except reports from the Committee on Enrolled Bills, shall, after being read, lie on the table one day for consideration, unless committed."

Senator Douglas moved the adoption of the resolution. Yeas and nays called for and the Senate refused to adopt by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Shannon, Swift—12.

Nays—Baker, Bell, Flanagan, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—14.

BILLS ON THIRD READING.

Senate bill No. 542, "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State against fire." Read third time.

Senator Mills moved that Senate bill, No. 542 do now pass.

Yeas and nays called for and passed by the following vote.

Yeas—Baker, Bowers, Cole, Dohoney, Douglas, Flanagan, Ford, Gaines, Hall, Mills, Parsons, Pickett, Pridgen, Ruby, Saylor, Swift, Tendick—17.

Nays—Bell, Broughton, Dillard, Evans, Hillebrand, Latimer, Pettit, Rawson, Shannon—9.

Senator Pettit moved a suspension of the rules to take from file Senate bill No. 529, an act to be entitled "An act supplementary of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871."

Yeas and nays called for and motion to suspend the rules lost by the following vote, two-thirds not voting in the affirmative:

Yeas—Baker, Dillard, Flanagan, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Shannon, Swift—11.

Senator Bowers moved that the Senate adjourn to 10:30 o'clock A. M. to-morrow.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Baker, Bowers, Broughton, Cole, Dillard, Douglas, Evans, Flanagan, Hall, Hillebrand, Parsons, Pickett, Pridgen, Rawson, Shannon—15.

Nays—Bell, Ford, Gaines, Mills, Pettit, Ruby, Saylor, Swift—8.

So the Senate at 12:20 P. M. adjourned to 10:30 A. M. tomorrow.

FORTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, Nov. 7, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senator Pyle.

Absent, excused—Senators Fountain and Hertzberg.

Prayer by the Chaplain.

Senator Parsons, after some appropriate remarks touching the death of Lieutenant Governor Don Campbell, moved that a committee of ten Senators be appointed to arrange for the funeral obsequies of the deceased, and that said committee be instructed to notify his Excellency the Governor of the death of Lieutenant Governor Campbell. Motion carried.

The Chair appointed as such committee, Senators Parsons, Bowers, Pettit, Douglas, Ruby, Broughton, Baker, Pickett, Pridgen and Mills.

Upon motion of Senator Parsons a committee of three was appointed to inform the House of Representatives of the decease of Lieutenant Governor Campbell.

The Chair appointed as such committee, Senators Parsons, Dohoney and Tendick.

Upon motion of Senator Bowers a committee of three was appointed to take charge of the body of the deceased.

The Chair appointed as such committee, Senators Bell, Cole and Rawson.

Senator Parsons, chairman of the committee appointed to inform the House of the decease of Lieutenant Governor Campbell, reported that that duty had been performed.

On motion of Senator Parsons the Senate adjourned until 4 o'clock P. M. to-day.

AFTERNOON SESSION.

4 o'clock P. M.

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll call. No quorum present.